IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.48 OF 2006

Shri S.C. Mittal ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Shri T.J. Pandian for the Petitioner.
Shri D.R. More, A.P.P. for the Respondent.

CORAM : R.S.MOHITE, J.
DATE : JANUARY 16, 2006.

P.C.:

1. This is an Application challenging issue of process in complaint under section 138 of the Negotiable Instruments Act. It is well settled that a Revision lies against such an order to the Sessions Court. In the circumstances with liberty to file revision, the present Application is being dismissed. The trial may not be proceeded with for a period of three weeks to enable the Petitioner to file Revision Application, if he desires. Period of three weeks is given because the Petitioner is from Delhi and verification will have to be done in the Revision Application. It is made clear that if no revision is filed before Sessions Court within a period of three weeks, trial can proceed. The Advocate for the Petitioner makes a grievance that though his client had filed Application on 30.04.2001 for grant of exemption in view of his illness the said Application is not decided. This Application to be decided forthwith.

JUDGE